

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA**

SONY MUSIC ENTERTAINMENT, *et al.*,

Plaintiffs,

v.

COX COMMUNICATIONS, INC., *et al.*,

Defendants.

Case No. 1:18-cv-00950-LO-JFA

DECLARATION OF DR. NICK FEAMSTER

I, Dr. Nick Feamster, declare as follows:

1. I am the Director of the Center for Data and Computing and Neubauer Professor in the Department of Computer Science at the University of Chicago. I submit this declaration in support of Cox's Reply in Support of Their Motion for Discovery Sanctions and to Preclude Plaintiffs' Use of MarkMonitor Evidence. I have personal knowledge of the facts stated in this Declaration, and if called as a witness, could testify competently to the matters contained herein.

2. I was engaged by Defendants in this case to rebut certain opinions of Plaintiffs' expert, Barbara Frederiksen-Cross. I was also asked to conduct an independent analysis of the MarkMonitor system, Plaintiffs' technical evidence, and third party technical evidence. I detailed my opinions in my Rebuttal Expert Report which I understand was served on May 15, 2019.

3. As part of my analysis of how MarkMonitor verified the alleged infringements it detected on the peer-to-peer networks, I relied on a spreadsheet that I understand was produced

by Audible Magic in this litigation as Bates No. REV00003444 and Bates No. AUDIBLE-MAGIC-0007657 (“the Audible Magic Spreadsheet”).

4. I first learned of the Audible Magic Spreadsheet during the May 7, 2019 deposition of Audible Magic’s 30(b)(6) witness, Vance Ikezoye, which I attended in person. I also received and reviewed the transcript from the deposition on May 9, 2019.

5. Mr. Ikezoye testified about [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

6. Immediately following the deposition, I reviewed a number of documents that I understand were produced by Audible Magic. Based on Mr. Ikezoye’s testimony, and my past experience with data recording methods, [REDACTED]

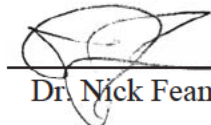
[REDACTED]

[REDACTED]

[REDACTED]

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed at Chicago, Illinois.

Date: September 20, 2019



Dr. Nick Feamster